

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JUSTINE THOMPSON	)	
	)	
Plaintiff,	)	
	)	Case No.
v.	)	
	)	
B & B CARGO, INC.,	)	
	)	
and	)	
	)	JURY TRIAL DEMANDED
GURJIT SINGH,	)	
	)	
and	)	
	)	
THE ZIEGENFELDER COMPANY,	)	
	)	
and	)	
	)	
TOTAL QUALITY LOGISTICS, LLC,	)	
	)	
and	)	
	)	
JOHN DOE,	)	
	)	
Defendants.	)	

**ORIGINAL COMPLAINT**

COMES NOW the Plaintiff, Justine Thompson, by and through her attorneys, Matthew J. Sill and Sill Law Group, and for her complaint allege as follows:

**PARTIES**

1. Plaintiff Justine Thompson is a resident of Oklahoma.
2. Defendant B&B Cargo, Inc., is a California Corporation with its principal place of business in the State of California and as such a citizen of California being authorized to do business in the State of Missouri and doing business in the State of Missouri as a transportation

company operating tractor trailers on the roadways in the State of Missouri including at or near the intersection of Interstate 44 and Route U in Phelps County, Missouri and at all times relevant hereto operated by and through its agent, servant, and/or employee Gurjit Singh who was at all times relevant herein, operating in the course and scope of such agency, servitude and/or employment.

3. Defendant Gurjit Singh is a citizen and resident of the County of Queens, State of New York and at all times relevant hereto was an agent, servant and/or employee of Defendants B&B Cargo, Inc., The Ziegenfelder Company and/or Total Quality Logistics, LLC, was at all times relevant herein, acting in the course and scope of his agency, servitude and/or employment.

4. Defendant, The Ziegenfelder Company, is a West Virginia Corporation with its principle place of business in the State of West Virginia, doing business in the state of Missouri including at or near the intersection of Interstate 44 and Route U in Phelps County, Missouri.

5. Defendant Total Quality Logistics, LLC, is an Ohio Corporation with its principle place of business in the state of Ohio, doing business in the State of Missouri, including at or near the intersection of Interstate 44 and Route U in Phelps County, Missouri.

6. At all pertinent times Defendant, The Ziegenfelder Company, acted by and through its actual and apparent agents and servants including, but not limited to, the Defendants B&B Cargo, Inc., Gurjit Singh, and Total Quality Logistics, LLC.

7. At all pertinent times Defendant Total Quality Logistics, LLC acted by and through its actual and apparent agents and servants including, but not limited to, the Defendants B&B Cargo, Inc., Gurjit Singh, and The Ziegenfelder Company.

8. Defendant John Doe is a yet to be identified agent, servant and/or employee of the Defendants B&B Cargo, Inc., Gurjit Singh, Total Quality Logistics, LLC, and/or The Ziegenfelder

Company, who at all times relevant herein was a resident of the State of California and was acting in the course and scope of his agency, servitude, and/or employment.

### **JURISDICTION AND VENUE**

9. Jurisdiction in this Court is proper pursuant to 28 U.S.C. § 1332(a) as complete diversity of citizenship exists between the parties of this action and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

10. Venue is proper pursuant to 28 U.S.C. § 1391(a) in that the claims set forth herein from the collision that occurred in the County of Phelps, State of Missouri, which is within the judicial district of this honorable Court.

### **GENERAL ALLEGATIONS**

11. On or about July 23, 2017, Defendant Singh was operating a 2015 Volvo Conventional Cab Semi-truck and trailer (“Truck”) owned and/or operated by Defendants B&B Cargo, Inc, The Ziegenfelder Company and/or Total Quality Logistics, LLC and as traveling westbound on I-44 at its intersection with Rt. U, Phelps County, Missouri.

12. On or about July 23, 2017, and at all times relevant herein Plaintiff, Justine Thompson was a passenger in a vehicle travelling eastbound on I-44 in Phelps County, Missouri.

13. At the above-mentioned time and place, Defendant Singh – and Defendants B&B Cargo, Inc, The Ziegenfelder Company and/or Total Quality Logistics, LLC operating by and through Singh – negligently, recklessly and carelessly lost control of the truck, caused the truck to cross the median and rollover into the path of eastbound I-44 oncoming traffic, causing it to collide with the 2014 Toyota Camry, operated by Sarah Turner, in which Plaintiff Justine Thompson was the owner and passenger occupying the right front seat.

14. As a direct and proximate result of the Defendants' negligence aforesaid, the vehicles collided in the Eastbound lanes of Eastbound I-44.

15. As a direct and proximate result of Defendants' negligence aforesaid, Plaintiff Justine Thompson sustained severe, permanent, disabling and debilitating personal injuries, disfigurement and emotional distress, which have required and in the future will require, medical care and treatment.

16. As a direct and proximate result of Defendants' negligence aforesaid Plaintiff Justine Thompson sustained economic damages due to her inability to participate in gainful employment.

17. As a direct and proximate result of Defendants' negligence aforesaid, Plaintiff Justine Thompson sustained property damage to her 2014 Toyota Camry, VIN 4T4BF1FK4ER358225.

### **COUNT I**

#### **NEGLIGENT HIRING**

18. Plaintiff realleges and reincorporates paragraphs 1-17 above as though fully set forth herein.

19. Defendant, John Doe, an agent and/or employee of Defendants B&B Cargo, Inc, The Ziegenfelder Company and/or Total Quality Logistics, LLC was negligent and careless in hiring Defendant, Singh, in at least the following respects:

- a. Failing to review Defendant, Singh's driving history, licensure, qualifications and criminal history.
- b. Failing to properly train and supervise Defendant, Singh.
- c. Failing to properly monitor the conduct of Defendant, Singh on the job.

- d. Failing to properly insure the safe operations by Defendant Singh of the truck and trailer owned or leased by Defendants B&B Cargo, Inc, The Ziegenfelder Company and/or Total Quality Logistics, LLC.
- e. Failing to properly train Defendant Singh in proper loading and load weight distribution of the truck and trailer owned by Defendants B&B Cargo, Inc, The Ziegenfelder Company and/or Total Quality Logistics, LLC.

WHEREFORE, Plaintiff Justine Thompson respectfully requests that this Court enter judgment in Plaintiff's favor for compensatory and punitive damages in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), together with interest, costs herein incurred, and all such other and further relief as this Court deems just and proper.

Such other relief as may be just and equitable.

## **COUNT II**

### **NEGLIGENT OPERATION OF A MOTOR VEHICLE**

20. Plaintiff realleges and reincorporates paragraphs 1-19 above as though fully set forth herein.

21. The collision between the Truck, operated by Defendants B&B Cargo, Inc, The Ziegenfelder Company and/or Total Quality Logistics, LLC and Singh, and the vehicle occupied by Plaintiff Justine Thompson was a direct and proximate result of Defendants' failure to use the highest degree of care and the Defendants' negligent, reckless and careless conduct in at least the following respects:

- a. Defendants failed to keep a careful lookout;
- b. Defendants drove at an excessive speed;
- c. Defendants drove in a reckless manner;

- d. Defendants failed to keep his vehicle under control;
- e. Defendants caused and allowed the tractor trailer to leave the roadway;
- f. Defendants failed to act to avoid a collision after danger of collision became or should have become apparent;
- g. Defendants failed to slow or stop or swerve the tractor trailer in a safe manner to avoid leaving the roadway, but nevertheless failed to avoid the incident with the means available;
- h. Defendants failed to properly inspect and maintain the tractor and trailer involved in this collision;
- i. Defendants failed to comply with applicable state and federal motor carrier statutes and regulations; and
- j. Were otherwise carless and negligent.

WHEREFORE, Plaintiff Justine Thompson respectfully requests that this Court enter judgment in Plaintiff's favor for compensatory and punitive damages in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), together with interest, costs herein incurred, and all such other and further relief as this Court deems just and proper.

Such other relief as may be just and equitable.

### **COUNT III**

#### **NEGLIGENCE PER SE**

22. Plaintiff realleges and reincorporates paragraphs 1-21 above as though fully set forth herein.

23. The collision described herein was a direct and proximate result of the Defendants' negligence per se in at least the following respects:

- a. Defendants drove at a speed that was too fast for conditions then existing as required by MO. REV. STAT. §304.012;
- b. Defendants operating by and through Singh failed to operate its motor vehicle in a careful and prudent manner as required by MO. REV. STAT §304.012; and
- c. Defendants operating by and through Singh failed to operate its motor vehicle at a reasonable speed, under the circumstances, so as not to endanger the life, limb or property of another as required by MO. REV. STAT §304.012.

WHEREFORE, Plaintiff Justine Thompson respectfully requests that this Court enter judgment in Plaintiff's favor for compensatory and punitive damages in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), together with interest, costs herein incurred, and all such other and further relief as this Court deems just and proper.

Such other relief as may be just and equitable.

#### **COUNT IV**

#### **NEGLIGENT BROKERING**

24. Plaintiff realleges and reincorporates paragraphs 1-23 above as though fully set forth herein.

25. The collision between the truck and the vehicle in which Plaintiff, Justine Thompson was a passenger was the direct and proximate result of the negligence and carelessness of the Defendants, The Ziegenfelder Company and/or Total Quality Logistics, LLC in brokering the load carried by the truck at the time of the collision to an unsafe company and/or driver.

26. The aforesaid conduct of Defendants, The Ziegenfelder Company and/or Total Quality Logistics, LLC constitutes aggravated circumstances for which Plaintiff seeks additional damages pursuant to Section 537.090 RSM0 1994.

WHEREFORE, Plaintiff Justine Thompson respectfully requests that this Court enter judgment in Plaintiff's favor for compensatory and punitive damages in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), together with interest, costs herein incurred, and all such other and further relief as this Court deems just and proper.

### **COUNT V**

#### **NEGLIGENT SELECTION OF SHIPPING BROKER**

27. Plaintiff realleges and reincorporates paragraphs 1-26 above as though fully set forth herein.

28. The collision between the truck and the vehicle in which Plaintiff, Justine Thompson, was a passenger was the direct and proximate result of Defendant's, The Ziegenfelder Company, failure to use the requisite degree of care in selecting a shipping broker.

29. The aforesaid conduct of Defendant, The Ziegenfelder Company, constitutes aggravated circumstances for which Plaintiff seeks additional damages pursuant to Section 537.090 RSM0 1994.

WHEREFORE, Plaintiff Justine Thompson respectfully requests that this Court enter judgment in Plaintiff's favor for compensatory and punitive damages in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), together with interest, costs herein incurred, and all such other and further relief as this Court deems just and proper.



Respectfully submitted,

By: s/Matthew J. Sill  
Matthew J. Sill, # 70617  
SILL LAW GROUP, PLLC  
1101 N. Broadway, Suite 102  
Oklahoma City, OK 73103  
Office: (405) 509-6300  
Fax: (405) 509-6268  
[msill@fulmersill.com](mailto:msill@fulmersill.com)

*Attorney for Plaintiff*

*JURY TRIAL DEMANDED*  
*ATTORNEY LIEN CLAIMED*